

Date signed January 28, 2005



Paul Mannes

PAUL MANNES
U. S. BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

IN RE:

JAMES ADEYEMI

Debtor

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Case No. 04-13729PM
Chapter 13

**MEMORANDUM OF DECISION
(Debtor's Objection to Claim
of Treetop Condominium)**

Before the court is the Debtor's objection to the proof of claim filed on behalf of Treetop Condominium, alleged to be a secured claim in the sum of \$18,781.60. The court conducted an earlier hearing, at which time the Debtor did not have the benefit of an interpreter. Upon the Debtor's motion for reconsideration of the Order entered October 8, 2004, overruling the objection, a qualified interpreter was available to assist the Debtor, who is speech and hearing impaired.

The court conducted a hearing on the motion for reconsideration on January 18, 2005. The proof of claim is obviously in error. Taken at its most favorable posture to the claimant, Treetop Condominium, a Judgment was entered October 31, 2002, in the District Court of Maryland for Prince George's County in the amount of \$9,410.00 plus pre-judgment interest of \$1,479.60, attorney's fees of \$2,352.50, and costs of \$50.00, a total of \$13,342.10, and interest at the rate of 10% for approximately 15 months until the filing of this bankruptcy case on February 18, 2004, in the sum of \$1,667.00, producing a total claim of \$15,009.10. It also appears that late charges were charged following the filing of the case despite the fact that Debtor appears to have made timely payments of the condominium assessment.

Finally, it appears to the court that the Judgment Lien was recorded on February 26, 2004, eight days after the filing of this bankruptcy case under Chapter 13. Thus, the recordation of the Judgment Lien appears to be subject to avoidance by the Trustee. However, that relief was sought neither by Debtor's attorney nor thus far by the Trustee, although the time for filing an action to avoid the lien does not expire until the 25th day of February, 2006.

cc:

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Nancy S. Grigsby, Trustee, P.O. Box 958, Bowie, MD 20718

United States Trustee, 6305 Ivy Lane, #600, Greenbelt MD 20770

End of Memorandum